



Appeal Decision

Site visit made on 31 October 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th December 2017

Appeal Ref: APP/P1940/W/17/3179780

29 Langley Lane, Abbots Langley, Hertfordshire WD5 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Boswell against the decision of Three Rivers District Council.
 - The application Ref 16/2201/FUL, dated 21 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed was originally described as 'proposed new independent dwelling in existing residential rear garden'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling on: (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 31 Langley Lane with regard to outlook and privacy and the occupiers of No 1 Pryor Close in respect of outlook.

Reasons

Character and appearance

3. Semi-detached two storey houses on this part of Langley Lane display a regular architectural rhythm, with deep proportionately narrow rear gardens which back onto gardens of properties on Pryor Close. This results in an open character where the only structures are modest sheds and outbuildings and where the feel is essentially open.
4. In contrast, properties on the other side of Shirley Road are a mix of flats, short terraces and houses which is of a denser urban grain and where the spacing between properties is materially different, such that it does not represent a comparable context as the appellant suggests.
5. The proposed dwelling would be located centrally within a strong visual gap and would take up half of the garden of the host property. Although the building in relation to the site would not be disproportionate to the plot size, the plot would be significantly smaller than those of the surrounding houses and their gardens. Moreover the dwelling would be located forward of the building line of No 29 Langley Lane and No 1 Pryor Close both of which have their end elevations fronting Shirley Road.

6. The introduction of a dwelling here would be at odds with the established pattern and result in a prominent and obtrusive dwelling which would relate poorly to the form, layout and pattern of existing development, out of keeping with, and harmful to, the street scene and the vicinity of the site. This would conflict with the aspects of the National Planning Policy Framework highlighted by the appellant and the requirement for good design and for developments to positively contribute and respond to local character. The appellant has suggested that additional windows with obscure glazing could be used to break up the blank elevations and respond to the Council's concern, however this would not address the harm that I have identified.
7. For the reasons set out, the proposal would give rise to harm to the character and appearance of the area in conflict with the requirements of Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy (2011) (Core Strategy); Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document (2013) (DMPLDD). These policies, amongst other things, seek to ensure that new development is locally distinctive, protects and enhances the built environment, has regard to the local context, does not compromise the quality of existing residential areas and delivers high standards of design including maintaining frontage building lines.

Living Conditions

8. The proposed dwelling would have windows and roof lights in the rear elevation, and whilst there are inconsistencies in the plans regarding the number and positioning of roof lights, it is clear that openings would serve bathrooms on the first floor and bedrooms in the roof space. The distance from the property to the garden of No 31 is around eight metres and given the scale of the dwelling proposed, this close proximity would give rise to overbearing effects which do not exist at present and which would materially harm the outlook from the garden of No 31. Whilst there are inaccuracies in the submitted plans in regards to rooflights and the appeal proposal would give rise to some perception of overlooking, any actual overlooking could be dealt with by way of suitable planning conditions were I minded to allow the appeal.
9. The dwelling would also be located close to the rear boundary with 1 Pryor Close which has been extended both to the side and rear. The distance between that property and the new dwelling would be sufficient to ensure that there would be no loss of light. However, the height, bulk and massing from the flank elevation would result in overbearing effects on the rear living space and garden which would have a detrimental effect on the occupiers outlook.
10. For the above reasons the development would cause harm to the living conditions of the occupiers of 31 Langley Lane and 1 Pryor Close in conflict with Policies CP1 and CP12 of the Core Strategy, and Policy DM1 and Appendix 2 of the DMPLDD. These policies, amongst other things, seek to protect residential amenities; and ensure that new development does not have an overbearing effect on existing properties.

Other Matters

11. I have taken into account the contribution that a single dwelling would make to the local housing supply in an accessible location and close to services and facilities, also that the appellants intentions to ensure that the building would

have a low carbon footprint in relation to building construction and a low water consumption. However these matters are insufficient to outweigh the harm identified.

Conclusions

12. In the light of the above and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR